

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOSHUA BARRETT SHAPIRO,
Plaintiff

v.

C.A. No. 011-140-ML

ROGER WILLIAMS UNIVERSITY, et al.,
Defendants

MEMORANDUM AND ORDER

This matter is before the Court on the Plaintiff's appeal (Docket # 86) from the April 17, 2012 order by a Magistrate Judge (Docket # 72) denying the Defendant Roger Williams University's Motion for Protective Order (Docket # 45). The University's motion, filed in response to the Plaintiff's request for his educational records, sought to protect the identity of students who had interacted with the Plaintiff, including students who had complained regarding his behavior towards them. The Plaintiff filed a memorandum in opposition to that motion, and the Magistrate Judge noted in his order that the Plaintiff's filing was not in compliance with Local Rule Cv 7(b).

Following a hearing on April 16, 2012, in which both parties were afforded an opportunity to present their respective arguments, the Magistrate Judge denied the University's motion on the ground that the "Plaintiff by his opposition to the Motion has clearly consented to the release of his own records." Order 2 (Docket # 72). The order required the University to (1) provide the Plaintiff

with copies of his educational records in redacted form within seven days; (2) provide the Plaintiff with unredacted copies of his educational records within forty-five days; and (3) to make reasonable efforts to notify the students whose identities would be disclosed to the Plaintiff and inform them of their right to intervene in this action regarding such disclosure. In addition, the order denied the Plaintiff's request that the University be ordered to pay Plaintiff's reasonable costs and expenses in connection with the motion for protective order. With respect to that denial, the Magistrate Judge concluded that the University had a good faith basis for filing its motion. Order 4.

The Plaintiff now seeks an order requiring the University to provide all the Plaintiff's student records in unredacted form and to award the Plaintiff his cost and expenses. The University has filed a response in opposition to the Plaintiff's appeal.

With respect to the first request, the Court notes that the Magistrate Judge's order already provides for production of the Plaintiff's educational records in unredacted form; consequently, the Plaintiff's request becomes moot within a few days of this order. With respect to the second request, the Magistrate Judge's finding that the University had a good faith basis for filing its motion was well supported. The Plaintiff has provided no evidence that the Magistrate Judge's order regarding this non-dispositive matter was "clearly erroneous" or "contrary to law." Fed. R. Civ.

P. 72(a); see also 28 U.S.C. § 636(b)(1)(A).

Conclusion

For the reasons stated above, the Plaintiff's appeal is DENIED and the Magistrate Judge's order is AFFIRMED in all respects.

SO ORDERED.

/s/ Mary M. Lisi

Mary M. Lisi

Chief United States District Judge
May 25, 2012